

In the Matter of )  
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Connect America Fund – Alaska Plan ) WC Docket No. 16-271  
To: The Commission

WTA – Advocates for Rural Broadband (“WTA”)<sup>1</sup> hereby comments in support of the “Application For Review,” dated April 1, 2019, filed by GCI Communication Corp. (“GCI”) with respect to the Wireless Telecommunications Bureau and Wireline Competition Bureau *Order*, DA 19-136, released in the captioned proceeding on March 1, 2019. That *Order* denied a petition by the Alaska Telecom Association (“ATA”) for a limited waiver of one aspect of the network mapping requirements of the Alaska Plan – specifically, a requirement that the intermediate locations of certain terrestrial buried and aerial fiber be reported to within 7.6 meters of accuracy. WTA requests that the Commission review the *Order*, and grant the requested limited waiver not only to GCI but also to all other similarly situated Alaska Plan participants covered by the ATA waiver petition.

The Commission has long recognized that Rate of Return local exchange carriers (“RoR LECs”) and their wireless affiliates must address and overcome difficult and special circumstances in order to provide voice and broadband services to Alaskan communities and residents. At the

<sup>1</sup> WTA is a national trade association that represents more than 340 rural telecommunications providers that offer voice, broadband and video-related services in Alaska and other portions of rural America.

time that it approved the Alaska Plan, the Commission specifically noted that Alaskan RoR LECs “face unique circumstances including Alaska’s large size, varied terrain, harsh climate, isolated populations, shortened construction season, and lack of access to infrastructure that makes it challenging to deploy voice and broadband-capable networks.” *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10,139 (2016) at ¶5.

The subject limited waiver request arose out of an Alaska Plan provision involving the adjustment of the performance plans of Alaska Plan participants to account for new capabilities as new middle mile facilities become available. To evaluate such adjustments, the Commission required Alaska Plan participants to submit maps of their fiber and microwave middle mile and backhaul facilities “in a format specified by the [Wireline and Wireless] Bureaus,” and to update the mapping information annually as changes occur. Whereas Alaska Plan participants were allowed to use a more flexible 50-mile location standard for their initial 2018 filing, their 2019 and future filings are required to report all relevant fiber “links” and all relevant “nodes” consistent with a standard (FGDC-STD-007,3-1998) that requires geolocations to be spatially accurate to within 7.6 meters (approximately 25 feet), 95 percent of the time.

On or about February 6, 2019, ATA sought a limited waiver of the requirement that the intermediate (*i.e.*, between endpoints or “nodes”) location of certain fiber links be reported to within 7.6 meters of accuracy. ATA emphasized that its waiver request was very limited. It was not seeking a waiver of the requirement to report the location of long-haul fiber, undersea cables, wireless backhaul, local fiber, or fiber serving as last-mile connections to community anchor institutions. It was not seeking a waiver of the spatial accuracy requirement for submarine cable fiber. And it was not seeking a waiver of the requirement to report the locations of nodes – such as reportable fiber endpoints – to within 7.6 meters.

Section 1.3 of the Rules permits the Commission's rules to be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990). In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of public policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972).

ATA's waiver petition demonstrated the hardships of mapping middle mile and other lengthy fiber routes to a 7.6 meter (*i.e.*, 25 feet) level of accuracy in the Alaskan environment. Among other things, ATA presented declarations under penalty of perjury: (a) from GCI indicating that it would need to report and certify approximately 2,000 miles of buried fiber and 1,526 miles of aerial fiber, and that it had already spent over 2,000 hours and approximately \$265,000 on outside vendors to prepare for the 2019 filing; (b) from Copper Valley Telecom indicating that it would need to report and certify approximately 700 miles of buried fiber, and that it had already spent over 225 hours preparing for the 2019 filing; and (c) from Matanuska Telephone Association, Inc. indicating that it would need to report and certify approximately 600 miles of buried fiber and 270 miles of aerial fiber, and that it had already spent over 1,500 hours and approximately \$280,000 to \$350,000 on outside vendors to prepare for the 2019 filing

GCI correctly shows that neither the Commission nor the Bureaus have ever explained why the specific and stringent 7.6 meter standard of accuracy is necessary or reasonable for that portion of Alaskan fiber mapping that predominately depicts middle mile facilities. WTA understands that the High Cost Universal Broadband ("HUBB") portal uses a 7.6 meter accuracy standard to

take into account the inherent error in census block boundary measurements, but that purpose does not appear to have any relevance to lengthy fiber routes that are not designed, constructed or operated on any basis involving census block boundaries. Like CGI, WTA knows of no other high-cost support recipients that are required to certify the accuracy of their HUBB location data to a standard as stringent as 7.6 meters.

WTA understands that ATA and its members have agreed to report the location of all fiber endpoints or “nodes” to the 7.6 meter level of accuracy. These “nodes” include “central offices, cable headends, mobile switching centers, earth stations, points of presence, landing stations, peering points, Internet gateways, outdoor cell sites, community anchor institutions, and the terminating links of all fiber links if not otherwise reported” (ATA Waiver Petition, pp. 8-9). The ATA proposal gives the HUBB and the Commission precise location information at the 7.6 meter level of accuracy for both endpoints of every reported fiber link – that is, the points at which customers and other carriers are most likely to request service – while seeking somewhat more flexibility for mapping the “midsections” of such fiber links. Whereas the endpoints of a fiber link provide the RoR LEC, other carriers and the Commission with a pretty accurate mapping of the available fiber connections and routes, the mapping of the “midsections” to an equal level of precision does not appear to provide a significant amount of additional useful information. For example, what does it matter to anyone if the 75-mile fiber link between Point A and Point B is located on the left side or the right side of the highway or railroad right-of-way, or if it crosses sides every here and there?

If ATA’s proposed limited waiver is evaluated on a cost-benefit basis, it should be granted on review. As long as the Commission has precise and detailed information regarding the locations of the fiber “nodes” where broadband services can be obtained, equally precise information

concerning the locations of the lengthy fiber “midsections” connecting the “nodes” does not appear to have significant additional benefit or value. In stark contrast, the cost in time and dollars to RoR LECs of mapping tens, hundreds and even thousands of miles of these intermediate fiber routes through the Alaskan wilderness to a standard of accuracy of 7.6 meters is considerable, and would appear to substantially outweigh the heretofore unclear or minimal benefits.

WTA supports grant of the GCI application for review, but goes beyond GCI in requesting that the subject limited waiver be granted for all similarly situated ATA members. One way to accomplish this would be to employ a procedure similar to that used for the 2018 mapping submissions of Alaska Plan participants. Here, the relief would be limited to mapping of the intermediate (*i.e.*, inter-nodal) locations of the subject terrestrial buried and aerial fiber routes. Specifically, where Alaska Plan participants do not have intermediate location information meeting the 7.6 meter accuracy requirement, they should be permitted to map their intermediate fiber locations to within 50 meters (rather than 7.6 meters) and to certify in their filings that this information is accurate and complete.

Respectfully submitted,  
**WTA – ADVOCATES FOR RURAL BROADBAND**

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